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PATENT
Docket No. WALB.83137

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Brock WALKER

Serial No.: 09/390,625

Filing Date: September 7, 1999

For: WALKER WEDGE

Examiner: Michael A. Brown

Group Art Unit: 3764

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Commissioner for Patents
Washington, DC 20231

OFFICE OF PETITIONS

Dear Sir:

In response to the Office Action dated April 10, 2001, please consider the following remarks. The Applicant would first like to thank the Examiner for stating that the subject matter of claims 1-27 and 32-33 is allowed.

Next, in the above identified Office Action the Examiner rejected claims 28 and 30-31 as being anticipated by Brooks, U.S. Patent 4,475,543 ("Brooks"). In making this rejection, the Examiner stated:

"Brooks discloses in figure 3 a portable sacrum support comprising a central portion 30 including a recess (the opening in the pouch 30) and an insert 16 that has different density valves (col. 6, lines 1-30)."

That statement is not entirely correct and is incomplete. The present invention relates to a portable sacrum support. Claim 28 is quite clear in requiring a recess provided in a central portion in which at least one insert is removably placed. Claim 28 has also been slightly amended to state that the removable insert provides concentrated force on the sacrum.

Brooks relates to a very different device. First, it is a lumbosacral support that wraps around an individual. Second, while there is a foam portion, element 16, that is held in an envelope 18 (col. 2, lines 29, 30) that envelope 18 is itself stitched to the belt via stitching 28 and 31 (col. 3, line 10). The belt is put on an individual and uncured resin foam is then placed in the envelope 18 in a fluid, uncured, unhardened state (see col. 3, lines 3-18). While the individual continues to wear the

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belt, the resin cures and becomes a rigid foam element 16 that provides an "intimate mating conformity" with that particular wearer (col. 3, lines 57-59), (col. 4, lines 31-38).

Further, the Brooks device is described as extending "across nearly the entire posterior, lumbosacral region in order to establish semi-wrap-around support" (col. 2, lines 32-35). This provides a wide or spread out effect and is consequently, entirely the opposite from the claimed invention that seeks to effect concentrated support on the sacrum.

Brooks does not relate to a portable sacrum support. Brooks does not suggest or disclose a removable insert. Brooks does not disclose or suggest a removable insert that places a concentrated force on the sacrum. In fact, Brooks is not placing any concentrated force on or against the sacrum but rather creates a broad, spread out effect across a wide area with a foam layer that is formed insitu on the wearer so that its shape will be intimate with one particular user. Once the foam is made it, along with envelope 18, remains fixed to the device. Thus, there is no teaching of having removable, interchangeable inserts that create difference effects, nor that removable inserts should have varying densities. The one reference Brooks makes to foam density relates to the foam element 16 that is created when the device is first used with a patent.

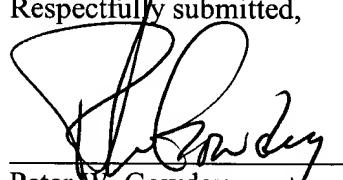
Consequently, Brooks does not anticipate nor render obvious the invention set forth in claims 28-31.

Thus, claims 28-31 are deemed to distinguish from and be patentable over Brooks alone or in combination with Walker. Notice thereof is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees that are required or credit any overpayment to Deposit Account No.19-2112 referencing WALB.83137.

Date: 7/15/02

Respectfully submitted,



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